
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JOEL VARGAS,

Movant,

versus

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:23-CV-113

**ORDER PARTIALLY ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

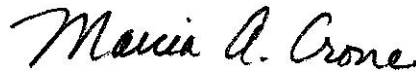
Joel Vargas, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this motion to vacate be dismissed without prejudice as repetitious. The magistrate judge stated this motion to vacate challenges the same convictions challenged in another motion to vacate, *Vargas v. United States*, No. 1:22cv193.

In response to the Report and Recommendation, movant filed a motion for clarification. He states the current motion to vacate is a copy of his initial motion to vacate, which he submitted in a notebook along with motions to amend he filed in his first motion to vacate. He states the current motion to vacate does not raise any new grounds for review.

Based on this filing, it appears movant did not wish to file an additional motion to vacate and that the current motion to vacate was improvidently filed. As a result, the current motion to vacate will be dismissed.

Accordingly, the report of the magistrate judge (#2) is **PARTIALLY ADOPTED** to the extent it recommends dismissal of this motion to vacate. A final judgment shall be entered dismissing this motion to vacate without prejudice as improvidently filed.

SIGNED at Beaumont, Texas, this 5th day of May, 2023.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE